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6 CHRISTIAN BERTOLI and PATTI
BERTOLI,

7 Plaintiffs,

8 v.

9 WACHOVIA CORPORATION, et al.,

10 Defendants.

11 NO. C11-3432 TEH

12 **ORDER TO SHOW CAUSE**

13 This case was recently reassigned to this Court following Plaintiffs' failure to consent
14 to the jurisdiction of a magistrate judge. Prior to reassignment, Defendant Wachovia
15 Mortgage, which contends it was erroneously sued as "Wachovia Corporation," filed a
16 motion to dismiss and a motion to strike on July 20, 2011. Under Civil Local Rule 7-3,
17 Plaintiffs were required to file oppositions or statements of non-opposition to the motions by
18 August 3, 2011. Plaintiffs failed to do so.

19 Following reassignment, Defendant re-noticed its motions for hearing on October 3,
20 2011. However, this did not change the briefing schedule. *See* Aug. 17, 2011 Clerk's Notice
21 at 1 ("The due date for any opposition or reply papers not yet filed shall be calculated in
22 accordance with Civil Local Rule 7-3.").

23 Accordingly, with good cause appearing, IT IS HEREBY ORDERED that:

24 1. Plaintiffs shall show cause as to why sanctions, including possible dismissal of this
25 case for failure to prosecute, should not be imposed for their failure to file timely opposition
26 papers. Plaintiffs' show cause response shall be filed on or before **September 2, 2011**.

27 2. Plaintiffs shall also file opposition papers or a statements of non-opposition to the
28 pending motions by the same date.

1 3. If Plaintiffs fail to file timely responses to this order, then this case shall be
2 dismissed with prejudice for failure to prosecute.

3 4. The October 3, 2011 hearing dates are VACATED. Upon review of any timely
4 response by Plaintiffs, the Court will determine whether to schedule a show cause hearing
5 and/or set new reply deadlines and hearing dates on Defendant's pending motions to dismiss
6 and strike.

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8 **IT IS SO ORDERED.**

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10 Dated: 08/22/11


11 THELTON E. HENDERSON, JUDGE
12 UNITED STATES DISTRICT COURT